




EICHEN CRUTCHLOW ZASLOW & McELROY, LLP

ATTORNEYS AT LAW

BARRY R. EICHEN  §
WILLIAM O. CRUTCHLOW 
DARYL L. ZASLOW 
EDWARD McELROY
CHRISTIAN R. MASTONDREA ‡
EVAN ROSENBERG
MATTHEW R. EICHEN

40 Ethel Road
Edison, New Jersey 08817

Tel: (732) 777-0100
Fax: (732) 248-8273

www.newjerseymedmalattorney.com
www.njadvocates.com

AFFILIATE OFFICES
TOMS RIVER
RED BANK

August 26, 2014

Via ECF

Judge Stanley R. Chesler
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: In re: Nickelodeon Consumer Privacy Litigation, Case No. 13-MD-2443
(SRC)**

Dear Judge Chesler:

Plaintiffs write in response to Defendants' letter of yesterday's date. Plaintiffs have discovered that they inadvertently began the re-pleading process with the second-to-last version of the original Master Complaint. That version contained a claim under the Computer Fraud and Abuse Act ("CFAA") that Plaintiffs ultimately decided to remove. Plaintiffs' also unintentionally deleted four paragraphs from their Wiretap claim for the same reason.

Unfortunately, these mistakes went unnoticed. Plaintiffs' counsel are involved in other similar cases where the CFAA claim was pled so it simply did not appear out of place. Nonetheless, it was not Plaintiffs' intent to add any new counts to the Amended Complaint or make any changes to the Counts the Court dismissed with prejudice.¹ Accordingly, Plaintiffs agree they should re-file their First Amended Complaint minus the CFAA count and with the allegations of the counts the Court did dismiss with prejudice unaltered from the original version.² Had Defendants simply sought to confer with Plaintiffs and explain their rationale for

¹ These four paragraphs illustrate that Plaintiffs' mistake was in good-faith -- after all, the deletion of these four paragraphs obviously would not help Plaintiffs' Wiretap claim, either now or on any potential appeal.

² As Plaintiffs' previously stated in a letter filed with the Court, such claims are re-asserted to leave no doubt that they have not been abandoned. Allowing Plaintiffs to re-state them in this Second Amended Complaint does not prejudice the Defendants. To the extent Defendants are concerned about claims "remaining in play," Plaintiffs would not oppose a further statement from the Court that the claims already dismissed by this Court with prejudice

wanting a Word version of the original Master Complaint, these issues could have been resolved without burdening the Court.

As it stands, Plaintiffs' counsel apologizes to the Court for the confusion caused by their unintentional addition of the CFAA claim and inadvertent deletion of allegations from the Wiretap claim. Plaintiffs' counsel stands ready to file a Second Amended Complaint correcting those errors with leave of the Court.

Regards,

A handwritten signature in black ink, appearing to read 'E. Rosenberg', is written over a horizontal line.

Evan Rosenberg, Esq.
EICHEN CRUTCHLOW ZASLOW & McELROY
40 Ethel Road
Edison, NJ 08817
(732) 777-0100

remain dismissed with prejudice and Defendant's need not file Motions to Dismiss for those counts.